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REMARKS

Claim Amendments

1. Claims 161-163 have been added to define applicant's invention. Claims 161-163 include limitations in addition to limitations defined in claims 98-160. No new matter has been added.

In particular, new claim 161 defines a method for managing deliveries to and from occupants of a building. Claim 161 includes the step of storing in a database "electronic payment and account information" held by the respective occupants of a building. Further, rules regarding deliveries to be sent from the occupants and rules regarding deliveries to be received by occupants are stored in the database. Moreover, electronic "delivery receiving information" representing deliveries received in the building is associated with the "delivery receiving" rules. The associated rules are applied to arrange for a respective notification, which includes "tracking information" regarding the received deliveries. Further, electronic "delivery sending information" representing a delivery to be sent from an occupant is received and associated with the "delivery sending" rules. The associated delivery rules are applied to arrange for a respective delivery service provider to deliver the delivery from the building. When the delivery is provided from the occupant, claim 161 includes arranging for the delivery to be delivered and as a function of the electronic payment and account information. Thus, applicant's new claim 161 defines managing deliveries to and from occupants of a building.

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New claim 162 depends directly from claim 161 and further defines providing “status information” representing the delivery received and the delivery sent via a “publicly accessible display.”

New claim 163 defines a method for managing a building-related task requested by an occupant of a building. In particular, “electronic building task information,” representing building-related tasks, is stored in a database. Moreover, “electronic personnel information” and “electronic calendar information” is stored in the database. Further, occupants access a computer readable medium to define requests for building-related tasks, and the requests are stored in the database. An individual who is “associated with the building” is provided the computer readable medium to receive notifications representing the requests, to retrieve the requests and to respond to the requesting occupants. Furthermore and in particular, a request is initiated by an occupant, and the request is associated with an identifier representing the occupant. The requested associated with the identifier of the occupant is categorized as a “new request,” and stored in the database. The individual associated with the building is notified of the request, retrieves the request, assigns a respective individual suitable for performing the task and assigns a date for performing the task “as a function of the electronic personnel information and the electronic calendar information.” A “task record” is automatically defined and the individual associated with the building notifies the occupant when the task will be performed. Moreover, the individual associated with the building receives an “electronic task status notification” that represents the status of the task, and updates the task record “as a function of the task status notification. Thus, applicant’s new claim 163 defines a method for managing building-related tasks.

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Applicant respectfully submits that the combination of features defined in claims 161, 162 and 163 are not taught, disclosed or suggested in the prior art. Therefore, claims 161, 162 and 163 are patentable.

Priority

2. The Examiner has not considered Applicant's earlier priority date with the filing of Declaration received by the office on February 2, 2005. Applicant does not concede Examiner's position of lack of support. However, Applicant considers the priority argument in the Office Action dated May 11, 2007 as moot since the references cited in the Office Action are not dependent on the priority date claimed in the referenced declaration. The prior art status of the references, Aihara et al. Japanese Patent JP410229413A, Abe Japan Patent JP 08097850, Yahoo.com, and Strait et al. U.S. Patent 6,038,315, are not in dispute in the declaration received by the office on February 2, 2005. Accordingly, since the references cited in the Office Action are not in dispute as to the priority date, then the priority argument of the Examiner is moot and is not addressed in these remarks. Applicant reserves its right to address Examiner's position if raised in the future.

35 U.S.C. §112 rejections:

3. The Examiner has rejected claim 121 under 35 U.S.C. 112, first paragraph, for failing to comply with the written description requirement. Applicant respectfully disagrees and traverses the rejection. Applicant's claim 121 is fully described and enabled by Applicant's specification and drawings.

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Claim 121 calls for a first building and a second building and the providing of aggregated data from the first building and the second building. Applicant's specification provides for the method to be "utilized in order to provide information for multiple buildings and/or properties." [Applicant's specification page 15, lines 7-9]. Applicant's specification provides for the method to be "utilized to provide aggregated and/or integrated data and/or information for multiple buildings or properties." [Applicant's specification page 15, lines 11-13; page 26, lines 14-18; page 85, lines 1-7].

Figure 17 shows and its accompanying description describes the entering (1603) of information about a building into a database. [Applicant's specification page 91, lines 7-10]. The information in the database is linked (1604) with the information from other buildings. [Applicant's specification page 91, lines 12-15]. The information is shared between the buildings and an user can access information from the linked building (1605) and the master building (1606). [Applicant's specification page 91, lines 15-18; page 92, lines 1-10]. Thus, the data from the first building and the data from the second building are aggregated as recited by claim 121.

Applicant has satisfied the written description requirement since the specification, in more than one location, clearly described the claimed invention in sufficient detail that one skilled in the art would reasonably conclude that Applicant had possession of the invention expressed in claim 121. Claim 121 is therefore fully supported and satisfies the written description requirement of 35 U.S.C. 112, first paragraph.

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4. The Examiner has rejected claims 112 and 136 under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps. Applicant respectfully disagrees and traverses the rejection. Applicant's claims 112 and 136 are not incomplete for omitting essential steps as described by Applicant's specification and drawings. The following sections provide the remarks for claims 112 and 136. Claims 112 and 136 are complete and satisfy the requirements of 35 U.S.C. 112, second paragraph.

A. Claim 112

Claim 112 calls for the designation of an instruction as inactive upon the expiration of a specified time period. The designation of the instruction as inactive can occur through monitoring and/or checking the instructions. [Applicant's specification page 71, lines 8-15]. The monitoring is an active awareness of time to determine when to designate the instruction as inactive. However, the checking can occur at the time of accessing the instruction. The checking can obtain time from a clock and subtract the difference to determine the time period and whether the instruction at the time of accessing should be designated as inactive.

In a preferred embodiment, the specification describes the monitoring of records and designation of the records as being inactive upon the expiration of a specified time period. [Applicant's specification page 71, lines 8-15; page 13, lines 16-20]. The connection between the monitoring and the designation is one embodiment and one skilled in the art would readily recognize that other embodiments are available (e.g., checking the record at access and designating the record as inactive upon expiration of a specified time period).

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The instruction can be designated as inactive without the monitoring of time. Thus, the monitoring of time is not an essential omitted step. Applicant has pointed out and distinctly claimed the invention since the specification described the steps as recited in claim 112 with no step of monitoring time. [Applicant's specification page 71, lines 8-15]. Every step is not required, only the elements which are claimed as the invention. Claim 112 is interrelating the essential elements of the invention as defined by the specification and satisfies the pointing out and distinctly claiming requirements of 35 U.S.C. 112, second paragraph.

B. Claim 136

Claim 136 calls for the association of an expiration date to a document not determining whether an expiration has passed. Figure 3 shows the association (204) of an expiration date to a document stored in the system. [Applicant's specification page 49, lines 15-21; page 49, lines 21-23; page 50, lines 1-2]. The association of an expiration date to a document is done to remove the ability to access the document in the library (e.g., make the expiration date a past date) or allow access to a document (e.g., make the expiration date a future date). [Applicant's specification page 51, lines 7-13]. Thus, the expiration date is associated with the document and no monitoring of time is needed because the expiration date is associated with the document and can be checked at access time. [Applicant's specification page 51, lines 7-13].

Applicant has pointed out and distinctly claimed the invention since the specification described the steps as recited in claim 136 with no step of monitoring time. [Applicant's specification page 49, lines 15-21; page 51, lines 10-13]. Claim 136 is interrelating the essential

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elements of the invention as defined by the specification and satisfies the pointing out and distinctly claiming requirements of 35 U.S.C. 112, second paragraph.

5. The Examiner has rejected claims 98-100, 102-111, 113-118, 121-134, and 139-143 and 159-160 under 35 U.S.C. 103(a) as being unpatentable over Aihara et al. Japanese Patent JP410229413A. Applicant respectfully disagrees and traverses the rejection.

A. Aihara - Type of User

Aihara is an internal wiring system within apartment buildings where each apartment has a connected computing device. As explained in Aihara, this system was developed to solve the problem of not being able to distribute information in a timely manner to all residents using circular letters (letters that are circulated from one resident to another and can get held up when a resident is absent and can't circulate immediately) and bulletin boards (notice plates) at the entrance doors. [Aihara machine translation (Appendix A), problem to be solved, paragraphs 0001-0008] Aihara solves these problems through the use of electronic messages transported to each resident over the described system, which has computing devices available to every apartment in an apartment complex. This solution ensures that delivery of electronic messages are received by each resident because with such a wiring system, an email application can be used by each resident and there is a direct secure path to each apartment.

In the rejection under 35 U.S.C. § 103(a) over Aihara et al. Japanese Patent JP410229413A, the Examiner states:

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Regarding claims 98, 109 and 159 - 160, Aihara teaches system and method and computer program for exchanging information among tenants. Aihara does not explicitly teaches exchanging information for a collaborative real estate management system for exchanging information among tenants and an individual associated with management of a building (type of a user). However, it would have been obvious to one of ordinary skill in the art at the time the invention Aihara teachings of plurality of user devices from which one of the device can be given to an individual associated with management of a building to exchange information with the tenants. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aihara and have one of the users be an individual associated with management of a building to allow the tenants to electronically communicate with the building management team.

This rejection appears to be stating, in summary, that the only difference between Aihara and the claimed invention is that in Aihara, one of the client devices is not explicitly associated with an individual associated with management of a building. Therefore, the examiner seems to be saying, one skilled in the art can simply insert "an individual associated with management" at one of the devices and all of the claim limitations will be met. However, the difference between Aihara and the claimed invention is more than "the type of user."

The Examiner seems to be stating that claimed invention is nothing more than sending an email from a tenant to a building manager. This interpretation, however, is inconsistent with the specification. For example, in the background section of the specification the Applicant describes such a system in the prior art:

Various individual buildings or management companies have begun to implement communications systems for their buildings which are accessible over the Internet. Typically, the communications associated with these systems have taken the form of providing an e-mail address, or an e-mail form, on the company web site for submitting items such as a request for maintenance. The e-mail submissions associated with these prior art systems provide for only a minimal convenience over the traditional ways of

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submitting a maintenance request via phone or fax. [Applicant's specification page 5, lines 1-10].

In contrast, the Applicant claims a collaborative system in which a communication is received. The communication includes data indicating an *instruction* and that *instruction* is associated with a *task* that is performed by an individual associated with the front desk and/or front gate. Further, the claim requires that the *instruction*, not the communication, be associated with a tenant via an identifier and the *instruction*, not the communication, be stored with the identifier on the computer system. Claim 113 provides specific examples of an instruction such as package delivery and/or laundry delivery. These examples represent specific tasks that are to be performed by the front gate and/or front desk individual, as required in claim 98. This is not merely a "type of content" of an email. An email message is a free-form type of communication that can be presented in whatever fashion the sender would like to construct it. In contrast, an instruction is a structured form with which the collaborative system can associate other data and store appropriately.

In addition to being inconsistent with the specification, such a reading of the claim (that the instruction is nothing more than the content of an email) cannot be reconciled with claim 114, also included in this group. Claim 114 requires the storing of information about the pick-up of the package and/or laundry by the tenant. This information thus represents the *state* of the instruction (e.g., its completion status). This is not merely email content, but *state information*. Further this state information is associated with the *instruction* to which it belongs.

Specifically with regards to claim 114, the Examiner makes the following rejection:

Regarding claim 114, it is inherent that Aihara storage means is capable of storing data which the user want to store on the storage means for later retrieval (applicant is claiming

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type of data stored and key assigned to storing data in the storage means as their invention). storing information regarding pick-up, by said tenant, of said package, said laundry, or said any combination thereof; and associating said stored information with said instruction (e.g. email has associated information *which teaches who originated the email*). (emphasis added)

This rejection seems to be ignoring all but the verbs of the claim. The claim, however, does require specific information be saved and does require that the specific information (i.e., state information) be associated back to the instruction. Even if the instruction were merely an email with a specific content, as what seems to be suggested by the Examiner, this rejection does not address how additional stored data is associated back to the instruction (the email). This specific type of data, information regarding pick-up of the package and/or laundry by the tenant is not information that was included in the original instruction (email in the Examiner's analogy), so pointing out that an email is associated with its sender, does not address all of the claim limitations.

When reading these claims together and with the rest of the specification, one skilled in the art can see that the collaborative system requires more than simply specific email content that is saved. The instructions represent front desk and/or front gate tasks that are associated with particular tenants and to which state information is added so that state of the instruction can be tracked (e.g., searched and found) by the individual associated with the front gate/desk. The individual at the front desk/gate and the tenant collaborate with each other to understand what needs to be done and the status of that instruction. This is a much larger difference than simply substituting a management individual for one of the tenets in the Aihara teachings. The Examiner cannot simply ignore certain terms and abstract the meaning of the claim to such a

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general level that any general purpose computer, database, or email system anticipates the claim or makes it obvious.

Claim 98 calls for a collaborative real estate management system for exchanging information among tenants and an individual associated with the front gate/desk of a building where the information includes an instruction associated with a task for the front desk and/or front gate of the building. Nothing in the reference, Aihara et al. Japanese Patent JP410229413A, suggests the desirability of exchanging instructions about tasks associated with a front desk/gate as set forth by the limitations of claim 98. Aihara calls for the exchange of electronic mail communications within and between buildings. [Aihara machine translation paragraph 0009]. Aihara allows for the ability of a manager to send messages to the tenants, but does not provide for the collaborative system as described by claim 98. [Aihara machine translation paragraph 0040].

A limitation of claim 98 is that the communication received from the tenant is associated with a task performed by an individual associated with the front gate/desk of the building. Nothing in the Aihara reference suggests or gives any incentive to the association of an instruction from a tenant with a task performed by management. Aihara provides that a manager can communicate with the tenants with electronic mail in the same fashion as “the notice plate of the set door of each residential building.” [Aihara machine translation paragraph 0040]. Aihara cites the limitations of the methods of communicating, the circular letter and the message board, and proposes email instead, because (1) it is efficient (2) it can be targeted, via a distribution list, to only residents you want to reach (3) communication goes through to residents that are present even if some residents are absent (where a circular letter stops at an absent resident) and (4) there

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are no space limitations , even if there are a lot of notices (where a notice board can fill up). It is clear that Aihara's "motivation" is simply to make sure that tenants get their communications reliably and with less work. There is no suggestion at all regarding collaboration or data keeping or tracking, particularly collaboration regarding a specific type of building management task. Again, adding additional limitations in this group, such as the specific tasks of claim 113 and associating additional state information, such as the limitations of claim 114 seems to eliminate any argument the Examiner can have that one skilled in the art, simply by reading Aihara, and not having read the Applicant's specification, would make the mental leap to modify Aihara to end up with system with all of the limitations in the Applicant's claimed invention.

Thus, even though the Examiner believes that the prior art, Aihara, could be modified to associate instructions (e.g., in the form of electronic mail) from tenants with tasks performed by management, the prior art suggests no desirability of the modification since the purpose of Aihara is to provide notices to tenants.

B. Obvious to Modify – Secondary Considerations

The Examiner is presuming that on the date of the invention, it would have been obvious to modify Aihara. Secondary considerations such as commercial success and long felt but unsolved needs, however, should also be considered as to the nonobviousness of combining these references. Such objective secondary considerations seem to indicate, objectively and without presumption, that the invention was not obvious. The Applicant notes also that, as indicated above, email systems did exist at the time of the invention. It seems to follow that if the Applicant's claimed invention was obvious at the time, then any of the customers and

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building managers could have simply done their own modifications instead of buying the Applicant's product.

The record includes numerous examples of secondary considerations provided to the Examiner. For example, one of the submitted declarations states that a product that includes the claimed features “has achieved a very high level of commercial success since its introduction into the marketplace in July 2000. Thus far, it has been installed in over 225 buildings nationwide including over 170 residential buildings in the New York City area. Three of the largest residential luxury developers in the New York City area have already installed [the product that includes the claimed features] in all of their current properties and have committed to its installation in all new construction under progress. They have also signed multi-year contracts for [its] continued use.” [Declaration of Gerald I. Kestenbaum under 37 C.F.R. § 1.132 in Response to Office Action dated May 28, 2004, page 2].

Additionally, the product that includes the claimed features has “earned a reputation in the industry for innovation and quality. It has recently been featured in the New York Times, and has frequently been cited in the Real Estate trade press. In addition, many purchasers of [the product] highlight it in their marketing literature as a valuable service available to prospective tenants.” [Declaration of Gerald I. Kestenbaum under 37 C.F.R. § 1.132 in Response to Office Action dated May 28, 2004, page 2-3].

Furthermore, customers of the product that includes the claimed features have commented that there was a need in the industry for the product. Illya Shell, a customer of the invention, commented that the product “is a unique product that has allowed Rockrose to more efficiently manage our relationships with our tenants and building staff. During the time that I

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have implemented their product at our buildings, I have seen the productivity of our employees and the organization of our data increase tremendously. Our tenants are very pleased with the system and the way that Rockrose has chosen to communicate with them. I have not found another product in the marketplace that could offer the same (or similar) features and I see [the product] as an innovative solution to an age-old problem suffered by most property management companies – how to communicate with those that need information.” [Letter from Illya Shell of Rockrose Development Corp. in Response to Office Action dated May 28, 2004].

Jerry Morris, a customer of the product that includes the claimed features, commented “that the innovations provided by the [product] gave us everything we needed.” [Letter from Jerry Morris of Rose Associates, Inc. in Response to Office Action dated May 28, 2004]. Martin Astrof, a customer of the invention, commented that the product “**allows task collaboration and integrated communication among tenants, front desk staff,** maintenance staff and management” which other software programs do not allow. [Letter from Martin Astrof of Charles H. Greenthal Management Corp. in Response to Office Action dated May 28, 2004] (emphasis added).

C. Discussion of Selected Claims

Claims 99-100, 103-104, 106-107, 110, 116-118, 121-122, 124-125, and 127-129 depend directly or indirectly from claims 98 or 109, respectively, and are patentable for the same reasons as set forth herein as well as because of the combination of features set forth in those claims with the features set forth in the claim(s) from which they depend.

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For the Examiner's convenience, the following provides a discussion of claims 99-100, 103-104, 106-107, 110, 116-118, 121-122, 124-125, and 127-129 in view of the prior art.

a. Claim 99

Claim 99 is directed to a real estate management system that includes a database. As described above, the limitations of claim 99 associated with claim 98 from which claim 99 depends are not taught or suggested by Aihara. In a preferred embodiment, the database is for storing the instructions and associated data in the system, for managing the communication between users of the system, and for storing information about the users of the system. [Applicant's specification page 34, lines 14-15; page 34, lines 22-23; and page 35, lines 1-11]. Aihara does not teach using a database, but teaches using email. Email can have "storage means." [See Examiner's Office Action of May 11, 2007, page 6]. However, the storage of an email is not for the management of the communication by the system but for access by the user and subsequent deletion by the user at the user's whim. Aihara further teaches that the communication occurs using the "low costs" of the administration of email, since the advantage to Aihara is the "large laborsaving" for management. [Aihara machine translation paragraph 0040]. Furthermore, the storage means for email is not storing information about the users of the system. Thus, Aihara does not provide for a database that provides the functionality as described from claim 99 with the limitations from claim 98.

There are no objective reasons to modify Aihara which is an electronic mail system to a system that uses a database. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not

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obvious to modify this reference to the limitations of claim 99. Accordingly, claim 99 is allowable because there are no teachings, suggestions, nor objective reasons to modify Aihara to the limitations of claim 99. Secondary considerations also show that such a system with a database was not obvious over an email system. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination with the common knowledge of one skilled in the art, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claim 99 should be withdrawn.

b. Claim 100

Claim 100 is directed to a real estate management system that includes a library of documents relating to the building where the documents are accessible for viewing, *storing, and editing* by the tenants and management of the building. In a preferred embodiment, the library provides for the categorizing of documents in the library, for searching for the documents in the library, and for the association of access permissions with the documents in the library.

[Applicant's specification page 52, lines 8-13; page 49, lines 15-21; figure 3]. As described above, the limitations of claim 100 associated with claim 98 from which claim 100 depends are not taught or suggested by Aihara. Aihara teaches a solution for ensuring that messages from management are received by each tenant. Furthermore, Aihara does not teach or suggest a library of documents which are accessible for viewing, storing, and editing by the tenants and management of the building. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference.

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There are no objective reasons to modify Aihara, which is an electronic mail system, to a system that stores and allows the editing of documents. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 100. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. Accordingly, claim 100 is allowable because there are no teachings, suggestions, nor objective reasons to modify Aihara to the limitations of claim 100. Secondary considerations also show that such a system with a library was not obvious over an email system. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claim 100 should be withdrawn.

c. Claim 103

Claim 103 is directed to a real estate management system that receives a communication relating to package delivery and pickup information from the device associated with the individual, who is associated with the front desk/gate. Such a collaborative system enables the individual at the front gate/desk to act on behalf of the tenant and enter the status information into the computer system. As described above, the limitations of claim 103 associated with claim 98 from which claim 103 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest receiving communication relating to package delivery and pickup information. The Examiner is using impermissible hindsight vision of the claimed

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invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a system that receives communication relating to package delivery and/or pickup information, which are tasks performed by an individual at the front desk/gate.

Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 103. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claim 103 should be withdrawn.

d. Claim 104

Claim 104 is directed to a real estate management system that receives and responds to survey questions from the management of the building. As described above, the limitations of claim 104 associated with claim 98 from which claim 104 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest receiving and responding to surveys questions from the management of the building. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a system that receives and responds to survey questions. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that

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it was not obvious to modify this reference to the limitations of claim 104. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claim 104 should be withdrawn.

e. Claim 106

Claim 106 is directed to a database including address and contact information for the tenants and management in the real estate management system. As described above, the limitations of claim 106 associated with claim 98 from which claim 106 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest maintaining a database of contact information for the management and tenants. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a system that maintains contact information. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 106. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject

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matter as a whole of the invention disclosed and claimed in this application, the rejection of claim 106 should be withdrawn.

f. Claim 107

Claim 107 is directed to a real estate management system that includes a database for task tracking. As described above, the limitations of claim 107 associated with claim 98 from which claim 107 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest a database for task tracking. Aihara teaches using email since it is a “low cost” form of communication that will save management money by saving labor. [Aihara machine translation paragraph 0040]. Aihara teaches using email as a form of “electronic circular notice” which is a one way communication unlike task tracking which is an interaction with the system. [Aihara machine translation paragraph 0010]. Task tracking requires including state information about the task. The Examiner seems to totally ignore this claim requirement. In his rejection of claim 107, the Examiner states:

Regarding claim 106-108, it is *inherent* that Aihara storage means is *capable* of storing *data which the user want to store* on the storage means for later retrieval. (emphasis added)

The Examiner seems to be saying that although Aihara doesn't explicitly state the capabilities of the storage means, it must be nonetheless capable of storing data which the user wants to store on such storage means. Even if, for the purpose of this argument, the Applicant agrees that such statement is true, there is no logical step of how that makes the claim limitations of claim 107 obvious. A general purpose computer has capability to store data the user wants to store for later

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retrieval. However, case law is clear that a general purpose computer can be programmed to a special purpose computer and that special purpose computer is patentable subject matter. If the Examiner can abstract any limitation to just a "type of data the user wants to store", then under that logic, any software patent would be obvious, since the general purpose computer is capable of executing instructions and storing and manipulating data. Again, as stated above, the Examiner must give the claims their meaning in light of reading the specification. The specification provides plenty of examples of task tracking information. See, for example, pages 43 and 44. The Examiner's rejection seems to read the phrase "for task tracking" right out of the claim.

Moreover, since Aihara does not teach or even suggest tracking tasks with its system, the Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a system that tracks tasks performed by a front desk/gate individual. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 107. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claim 107 should be withdrawn.

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g. Claim 110

Claim 110 is directed to the front desk of a building receiving instructions from a tenant giving permission to give access to a unit associated with the tenant and/or key-holding information. As described above, the limitations of claim 110 associated with claim 98, which is grouped with claim 109 from which claim 110 depends, are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest storing and allowing access to instructions from a tenant giving permission to give access to a unit associated with the tenant and/or key-holding information.

In rejecting claim 110, the Examiner states that the "applicant is claiming content in a message as their invention". However, even if for the sake of this argument, the applicant's invention was solely specific content, the Examiner fails to state why or how the specific content the Applicant is claiming is obvious in light of Aihara. The Examiner seems to be stating, once again, data is data and one particular message content makes any other message content obvious. That abstraction is too general, reads the limitations out of the claim, and doesn't consider the claim as a whole.

Even if, for the sake of this argument, the Applicant was claiming no more than a specific use of an email, the Aihara reference does not suggest that its system can be used to perform the type of management functions explicitly claimed in this claim 110. The problem being solved does not contemplate this kind of use. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara, which is an electronic mail system, to a system that stores and allows access to instructions regarding permission to access a unit in a building and/or key-holding

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information. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 110. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claim 110 should be withdrawn.

h. Claims 116-118

Claim 116 is directed to transmitting data representing the instructions to a public display. Claims 117-118 are similarly directed. As described above, the limitations of claim 116 associated with claim 98 which is grouped with claim 109 from which claim 116 depends are not taught or suggested by Aihara. Aihara teaches away from the public display of information. Aihara states that using notice plates (e.g., a bulletin board near a door) has limited space constraints and [Aihara machine translation paragraph 0007, 0006]. Further, Aihara disparages the public display stating it is a “dripping sink” of constant, one way communication. [Aihara machine translation paragraph 0007, 0040].

Furthermore, Aihara does not teach or suggest publicly displaying the instructions associated with and sent from a tenant. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara, which teaches against publicly displaying information and states it as a problem, to a method for publicly displaying instructions. Additionally, as described above,

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the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 116. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claim 116-118 should be withdrawn.

i. Claim 121

Claim 121 is directed to aggregating data between two buildings. As described above, the limitations of claim 121 associated with claim 98 which is grouped with claim 109 from which claim 121 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest aggregating data between two buildings. Aihara teaches sending email between multiple buildings in a broadcast fashion, but not for aggregating data between buildings. [Aihara machine translation paragraph 0017]. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a method of aggregating data between buildings. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 121. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claim 121 should be withdrawn.

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j. Claim 122

Claim 122 is directed to managing tenant requests for service. As described above, the limitations of claim 122 associated with claim 98 which is grouped with claim 109 from which claim 122 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest managing tenant requests for service. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a method of managing tenant service requests. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 122. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claim 107 should be withdrawn.

k. Claim 124

Claim 124 is directed to aggregating data between two buildings where the data includes requests for service. As described above, the limitations of claim 124 associated with claim 98 which is grouped with claim 109 from which claim 124 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest aggregating data with requests for service between two buildings. Aihara teaches sending email between multiple buildings in a broadcast

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fashion, but not for aggregating data with requests for service between buildings. [Aihara machine translation paragraph 0017].

Moreover, this claim requires additionally that *the aggregated data include requests for services*, which the Examiner has read out of the claim. Aihara does not teach or suggest aggregating data generally, and is even less likely to suggest aggregating a specific type of data.

The Examiner is also using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a method of aggregating data between buildings where the data includes requests for service. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 124. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claim 124 should be withdrawn.

I. Claim 125

Claim 125 is directed to managing tenant requests for service where the request for service comprises a title, a category selected from a list, a request description, an urgency rating, an email address, a contact information, and/or an instruction for an additional parties. As described above, the limitations of claim 125 associated with claim 98 which is grouped with claim 109 from which claim 125 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest managing tenant requests for service where the requests for

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service comprise the elements required by the claims. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a method of managing tenant service requests. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 125. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claim 125 should be withdrawn.

m. Claim 127

Claim 127 is directed to enabling the user to sort a search list by unit number, request category, date opened, priority, and/or status. As described above, the limitations of claim 127 associated with claim 98 which is grouped with claim 109 from which claim 127 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest sorting a search list by the characteristics described above. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a method of sorting a search list. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify

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this reference to the limitations of claim 127. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claim 127 should be withdrawn.

n. Claims 128-129

Claim 128 is directed to enabling management to modify tenant service requests. Claim 129 is similarly directed. As described above, the limitations of claim 128 associated with claim 98 which is grouped with claim 109 from which claim 128 depends are not taught or suggested by Aihara. Furthermore, Aihara does not teach or suggest modifying tenant service requests. The Examiner is using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference. There are no objective reasons to modify Aihara which is an electronic mail system to a method of modifying tenant service requests. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify this reference to the limitations of claim 128. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include this feature. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claims 128 and 129 should be withdrawn.

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D. Summary

The prior art, Aihara, does not teach or suggest a collaborative real estate management system where a communication includes an instruction associated with a front desk/gate task that is associated with additional information nor does the prior art teach allowing management to search the instruction and its associated information. The office action of May 11, 2007 states that “Aihara does not explicitly teach[] exchanging information for a collaborative real estate management system.” [Examiner’s Office Action of May 11, 2007, pages 4-5]. The office action further states that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aihara.” [Examiner’s Office Action of May 11, 2007, page 5]. However, it seems that the Examiner reaches this conclusion by ignoring claim terms and abstracting the meaning of the terms to a level so general that it is inconsistent with the specification. The Examiner then appears to be using impermissible hindsight vision of the claimed invention to provide teaching to modify the Aihara reference.

Furthermore, the commercial success of the product that includes the claimed features and the need in the field for the claimed features indicates that it was not obvious to form the claimed subject matter in light of Aihara. Three customers of the product that includes the claimed features commented that the product has innovations that other products on the market do not have. In addition, one customer commented that the product solves an age old problem in property management. The secondary considerations of commercial success and long felt but unsolved needs indicates that it was not obvious to modify these or any other references to the limitations of claim 98 and the other claims in this group. Accordingly, independent claims 98, 109, 159, and 160 and the dependent claims 99-100, 102-108, 110-111, 113-118, 121-134, and

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139-143 which depend on the independent claims are allowable because there are no teachings, suggestions, nor objective reasons to modify Aihara to the limitations of included in each of these claims. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination with the common knowledge of one skilled in the art, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claims 98-100, 102-111, 113-118, 121-134, 139-143, and 159-160 should be withdrawn.

6. The Examiner has rejected claims 112 and 136 under 35 U.S.C. 103(a) as being unpatentable over Aihara et al. Japanese Patent JP410229413A in view of Abe Japan Patent JP 08097850. Applicant respectfully disagrees and traverses the rejection. The following sections provide a discussion of claims 112 and 136.

A. Claim 112

Claim 112 calls for the designation of an instruction as inactive upon the expiration of a specified time period. The Aihara et al. Japanese Patent JP410229413A reference calls for the exchange of electronic mail within and between buildings. [Aihara machine translation paragraph 0009]. Aihara allows for the ability of a manager to send messages to the tenants. [Aihara machine translation paragraph 0040]. The Abe Japan Patent JP 08097850 reference calls for giving electronic mail a reply limit timer that sets a time limit within which the receiver of an email must reply. [Abe machine translation Abstract]. Both the Aihara and Abe references call for electronic mail. Both references fail to teach, suggest, or gives any incentive that the

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expiration flags should be associated with *instructions sent from a tenant* associated with a *task performed by a front desk/gate individual*. It seems that each of the italicized requirements of the claim would require a modification of the Aihara reference. Thus, even though the Examiner believes that the prior art, Aihara and Abe, could be modified and combined to associate instructions (e.g., in the form of electronic mail) from tenants with tasks performed by management and associate expiration dates with those instructions, the prior art suggests no desirability of the modification since the purpose of Aihara is to provide notices between tenants and management and the purpose of Abe is to provide for a return electronic mail system. Thus, the limitations of claim 112 are not taught or suggested by the prior art.

The prior art, Aihara and Abe, does not teach or suggest associating instructions with tasks performed by management and associating an expiration with the instruction. The office action of May 11, 2007 states that “it would have been obvious to one of ordinary skill in the art . . . to modify Aihara as taught by Abe to monitor messages.” [Examiner’s Office Action of May 11, 2007, page 14]. However, it is not sufficient that it would have been obvious to one skilled in the art to modify Aihara as taught by Abe to monitor messages, because the references must suggest the desirability and thus the obviousness of making the combination. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify these references to the limitations of claim 112. The determination of obviousness to combine references requires some clear articulated reasoning with some rational underpinning and the analysis of the obviousness should be made explicit. (Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103, 195 Fed. Reg. 57526, 57528-29 (Oct. 10, 2007)). Neither Aihara nor Abe provide

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any clear articulated reasoning to modify themselves to the limitations of claim 112 in view of its independent claim 109. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claim 112 should be withdrawn.

B. Claim 136

Claim 136 calls for the association of an expiration date to a document in an electronic library. The electronic library provides for the categorizing of documents in the library, for searching for the documents in the library, and for the association of access permissions with the documents in the library. [Applicant's specification page 52, lines 8-13; page 49, lines 15-21; figure 3]. The Aihara et al. Japanese Patent JP410229413A reference calls for the exchange of electronic mail within and between buildings. [Aihara machine translation paragraph 0009]. Aihara allows for the ability of a manager to send messages to the tenants. [Aihara machine translation paragraph 0040]. The Abe Japan Patent JP 08097850 reference calls for giving electronic mail expiration flags. [Abe machine translation paragraph 0007]. Both the Aihara and Abe references call for electronic mail, but neither reference suggests or gives any incentive that the expiration flags should be associated with documents in an electronic library. Additionally neither the Aihara or Abe references call for an electronic library that provides for the categorizing of documents in the library, for the searching of the documents in the library, or for the association of access permissions with the documents in the library. Thus, even though the Examiner believes that the prior art, Aihara and Abe, could be modified to associate documents

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in an electronic library, the prior art suggests no desirability of the modification since the purpose of Aihara is to provide notices between tenants and management and the purpose of Abe is to provide for a return electronic mail system. Thus, the limitations of claim 136 are not taught or suggested by the prior art.

The prior art, Aihara and Abe, does not teach or suggest associating instructions with tasks performed by management and associating an expiration with the instruction. Furthermore, the office action of May 11, 2007 states that “it would have been obvious to one of ordinary skill in the art . . . to modify Aihara as taught by Abe to monitor messages.” [Examiner’s Office Action of May 11, 2007, page 14]. However, it is not sufficient that it would have been obvious to one skilled in the art to modify Aihara as taught by Abe to monitor messages, because the references must suggest the desirability and thus the obviousness of making the combination. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify these references to the limitations of claim 136. The determination of obviousness to combine references requires some clear articulated reasoning with some rational underpinning and the analysis of the obviousness should be made explicit. (Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103, 195 Fed. Reg. 57526, 57528-29 (Oct. 10, 2007)). Neither Aihara nor Abe provide any clear articulated reasoning to modify themselves to the limitations of claim 136 in view of its limitations from claims 109 and 135. Moreover, the additional prior art references, U.S. Patent 6,334,107 and U.S. Patent 5,875,430, cited by the Examiner do not include an electronic library with the features as described above where the electronic library includes one or more electronic documents that have expiration dates associated with them . In view of the

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foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claim 136 should be withdrawn.

7. The Examiner has rejected claims 119 and 120 under 35 U.S.C. 103(a) as being unpatentable over Aihara et al. Japanese Patent JP410229413A in view of Strait et al. U.S. Patent 6,038,315. Applicant respectfully disagrees and traverses the rejection.

Claim 119 calls for the receiving of biometric data. Claim 120 is similarly directed. The Aihara et al. Japanese Patent JP410229413A reference calls for the exchange of electronic mail within and between buildings. [Aihara machine translation paragraph 0009]. The security for the exchange is provided by a “router which defends access from the nonconformance terminal connected to the Internet.” [Aihara machine translation paragraph 0014; paragraph 0020]. Furthermore Aihara teaches that “it is impossible about all subscribers to set up access restriction, and the cure in respect of the security in a neighborhood unit becomes inadequate.” [Aihara machine translation paragraph 0020]. Aihara does not teach or suggest the verification of users and in fact teaches away from it by the use of a router to stop access to the system and suggesting that access restrictions for subscribers is impossible. [See Aihara machine translation paragraph 0020; paragraph 0021].

The U.S. Patent 6,038,315 ("315") reference calls for the verification systems that use biometrics for user verification. ['315 col. 2, lines 15-19]. '315 is directed to user verification on authorization and verification systems using biometric readings. ['315 col. 3, lines 44-49]. '315 does not teach using biometrics verification in routers as described in Aihara. The determination

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of obviousness to combine references requires some clear articulated reasoning with some rational underpinning and the analysis of the obviousness should be made explicit. (Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103, 195 Fed. Reg. 57526, 57528-29 (Oct. 10, 2007)). Not only does neither reference provide the suggestion to modify itself to the limitations of claim 119, but Aihara teaches away from utilizing user verification in stating “it is impossible about all subscribers to set up access restriction, and the cure in respect of the security in a neighborhood unit becomes inadequate.” [Aihara machine translation paragraph 0020]. Aihara does not suggest the desirability of using user verification teaches away and ‘315 does not suggest the desirability of using biometrics on routers for network verification.

As described above nothing in the Aihara reference suggests the desirability of exchanging information about the management of a building, associating instructions from a tenant to a task performed by the management of the building, or searching the instructions received by the tenants as set forth by the limitations of claim 109 which is represented by claim 98. Thus, even though the Examiner believes that the prior art, Aihara and ‘315, could be modified to allow for the exchange of information with the management of the building, association of instructions from tenants to tasks performed by the management of the building, and searching the instructions from the tenants, the prior art suggests no desirability of the modification since the purpose of Aihara is to provide notices between tenants and management and the purpose of ‘315 is to provide biometric verification of users. Thus, the limitations of claim 119 are not all taught or suggested by the prior art.

The determination of obviousness to combine references requires some clear articulated reasoning with some rational underpinning and the analysis of the obviousness should be made

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explicit. (Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103, 195 Fed. Reg. 57526, 57528-29 (Oct. 10, 2007)). Aihara in view of '315 provides no motivation to modify Aihara to the limitations of claim 119. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify these references to the limitations of claim 119. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claims 119 and 120 should be withdrawn.

8. The Examiner has rejected claims 135, 137, 138, and 144-156 under 35 U.S.C. 103(a) as being unpatentable over Aihara et al. Japanese Patent JP410229413A in view of Yahoo.com. Applicant respectfully disagrees and traverses the rejection.

Claim 135 calls for an electronic library including one or more electronic documents. Claims 137, 138, and 144-156 are similarly directed. The electronic library provides for the categorizing of documents in the library, for searching for the documents in the library, and for the association of access permissions with the documents in the library. [Applicant's specification page 52, lines 8-13; page 49, lines 15-21; figure 3]. For example, the library can provide a document that includes a question for a tenant. [Applicant's specification page 61, lines 18-23]. The tenant can access the question and then give an answer that is stored in the document in the library. [Applicant's specification page 61, lines 18-23]. Management can view the question and the answers stored in the document in the library. [Applicant's specification page 62, lines 3-5].

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The Aihara et al. Japanese Patent JP410229413A reference calls for the exchange of electronic mail within and between buildings. [Aihara machine translation paragraph 0009].

The Yahoo.com reference does teach or suggest an electronic library including one or more electronic documents with all of the claim elements in claim 135. Rather, Yahoo.com illustrates a web page with links to other web pages and not a collaborative real estate management system. For example, Yahoo.com provides a link to "Yellow Pages." Furthermore, Yahoo.com does not teach or suggest modifying Aihara, an electronic mail exchange.

The Examiner did not meet the burden to combine the references, because the determination of obviousness to combine references requires some clear articulated reasoning with some rational underpinning and the analysis of the obviousness should be made explicit. (Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103, 195 Fed. Reg. 57526, 57528-29 (Oct. 10, 2007)). Aihara in view of Yahoo.com provides no clear articulated reasoning to modify Aihara to the limitations of claim 135. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify these references to the limitations of claim 135. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claims 135, 137, 138, and 144-156 107 should be withdrawn.

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9. The Examiner has rejected claims 157 and 158 under 35 U.S.C. 103(a) as being unpatentable over Aihara et al. Japanese Patent JP410229413A in view of Yahoo.com and Strait et al. U.S. Patent 6,038,315. Applicant respectfully disagrees and traverses the rejection.

Claim 157 through claim 109 calls for receiving biometric data in a system that allows for the exchange of information with the management of the building, the association of instructions from tenants to tasks performed by the management of the building, and the searching of the instructions from the tenants. Claim 158 is similarly directed.

The Aihara et al. Japanese Patent JP410229413A reference calls for the exchange of electronic mail within and between buildings. [Aihara machine translation paragraph 0009]. The security for the exchange is provided by a “router which defends access from the nonconformance terminal connected to the Internet.” [Aihara machine translation paragraph 0014; paragraph 0020]. Furthermore Aihara teaches that “it is impossible about all subscribers to set up access restriction, and the cure in respect of the security in a neighborhood unit becomes inadequate.” [Aihara machine translation paragraph 0020]. Aihara does not teach or suggest the verification of users. Aihara teaches using a router to stop access to the system and suggests that access restrictions for subscribers is impossible. [See Aihara machine translation paragraph 0020, Aihara machine translation paragraph 0021].

The U.S. Patent 6,038,315 reference calls for the verification systems that use biometrics for user verification. [’315 col. 2, lines 15-19]. ’315 is directed to user verification on authorization and verification systems using biometric readings. [’315 col. 3, lines 44-49]. ’315 does not teach using biometrics for user in verification using routers as described in Aihara. The determination of obviousness to combine references requires some clear articulated reasoning

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with some rational underpinning and the analysis of the obviousness should be made explicit.

(Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103, 195 Fed. Reg.

57526, 57528-29 (Oct. 10, 2007)). Not only does Aihara not provide the motivation to modify

itself to the limitations of claim 157, but Aihara teaches away from utilizing user verification. It

is not sufficient that it would have been obvious to one skilled in the art to modify Aihara as

taught by '315 and Yahoo.com, because the references must suggest the desirability and thus the

obviousness of making the combination. Aihara does not suggest the desirability of using user

verification and '315 and Yahoo.com do not suggest the desirability of using biometrics on

routers for network verification.

Yahoo.com does not teach or suggest “comparing said received biometric data with biometric data stored on said central computer.” [Examiner’s Office Action of May 11, 2007, page 18]. Nor does the Yahoo.com reference teach or suggest modifying Aihara, an electronic mail exchange, or Strait, a biometric verification system.

As described above, nothing in the references, Aihara, '315, and Yahoo.com, suggests the desirability of exchanging information about the management of a building, associating instructions from a tenant to a task performed by the management of the building, or searching the instructions received by the tenants as set forth by the limitations of claim 109 which is represented by claim 98. Claims 157 and 158 depend on claim 109. In addition, the purpose of Aihara is to provide notices between tenants and management, the purpose of '315 is to provide biometric verification of users, and the purpose of Yahoo.com is unknown based on the printout. The prior art, Aihara, '315, and Yahoo.com, does not teach or suggest all of the claim elements of claim 98. Thus, the limitations of claim 157 is not all taught or suggested by the prior art.

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The determination of obviousness to combine references requires some clear articulated reasoning with some rational underpinning and the analysis of the obviousness should be made explicit. (Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103, 195 Fed. Reg. 57526, 57528-29 (Oct. 10, 2007)). Aihara in view of '315 and Yahoo.com provides no clear articulated reasoning to modify Aihara to the limitations of claim 157. Additionally, as described above, the secondary considerations of commercial success and a long felt but unsolved need in the field indicates that it was not obvious to modify these references to the limitations of claim 157. In view of the foregoing authorities, remarks, and the inability of the reference, alone or in combination, to anticipate, teach, or suggest the subject matter as a whole of the invention disclosed and claimed in this application, the rejection of claims 157 and 158 should be withdrawn.

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CONCLUSION

As argued herein, there is no motivation and further, the combinations made by the Examiner do not teach or suggest *all* the claim limitations. The invention must be considered as a whole and the Examiner cannot simply chose references using the claim elements as a guide.

Moreover, the Applicant has provided evidence of secondary considerations, such that even if the Examiner were to establish a prima facie case, which he hasn't, the combinations were not obvious as evidenced by the success of the product including the claimed limitations.

Further, as stated many times, the Examiner has simply ignored claim limitations, abstracting some claim limitations to a general concept to enable his obviousness rejections. However, such claim interpretations are inconsistent with the specification and other claims that add additional limitations that do not fit with the generalizations. Also, it is clear that the type of data and/or the use of specific data can be patentable and must be considered. For example, just because headers are known to be used in emails, packets, etc., this does not mean that the use of *any* data in a header is obvious. Similarly, headers are used by applications to perform certain functions. However, this does not mean that *any* function that is based on header data is obvious. While Aihara does relate to sending communications to tenants in a building, it is a solution to a different problem and does not contemplate the system claimed by the Applicant. While the Examiner keeps arguing of the inherent capability of the Aihara system to be capable of storing the type of data claimed by the Applicant and to be capable of performing the functions as claimed by the applicant, there is no question that the Aihara system would need to be reconfigured/reprogrammed to do so. Besides the Applicant's own specification, there is *very little, if any* guidance on the record on how that would be done. The Examiner seems to be

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relying mostly on the knowledge of one skilled in the art. However, there is nothing indicating that one skilled in the art would have the knowledge, without reading the Applicant's specification, to make the modifications, and in fact, the evidence submitted by the Applicant shows that those actually involved with building management were very willing to pay for a product that performed the functions and manipulated the specific data claimed by the Applicant, even though email systems were widely available and, as argued by the Examiner, quite easily adapted to create the Applicant's claimed invention.

Applicant's discussion of particular positions of the Examiner does not constitute a concession with respect to any positions that are not expressly contested by the Applicant. Applicant's emphasis of particular reasons why the claims are patentable does not imply that there are not other sufficient reasons why the claims are patentable.

In view of the foregoing remarks and the inability of the prior art, alone or in combination, to anticipate, suggest or make obvious the subject matter as a whole of the invention disclosed and claimed in this application, all the claims are submitted to be in a condition for allowance, and notice thereof is respectfully requested. If the examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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